

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

ROBERT WAYNE LEATHERS,
Plaintiff,

v.

**GRAY COUNTY, TEXAS, and
JAMES HEFLEY, individually and as
COMMISSIONER PCT. 4, GRAY
COUNTY, TEXAS.
Defendants.**

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**CIVIL ACTION NO. 2:11-cv-00030-J
JURY DEMANDED**

**DEFENDANT JAMES HEFLEY'S MOTION TO DISMISS
UNDER FEDERAL RULE 12(b)(6)**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, James Hefley, one of the named Defendants in the above-entitled and numbered civil action, and makes and files his Motion to Dismiss Under Federal Rule 12(b)(6).

Respectfully submitted,

/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY

State Bar No. 14289700

ALYSSA M. BARRENECHE

State Bar No. 24040607

**D. RANDALL MONTGOMERY
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**ATTORNEYS FOR DEFENDANT
JAMES HEFLEY**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Federal Rules of Civil Procedure on this the 22nd day of March, 2011.

VIA E-FILE AND

CMRRR 7192 2556 0010 0003 6508

Philip R. Russ

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2700 S. Western, Suite 1200

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/s/ D. Randall Montgomery

D. RANDALL MONTGOMERY